

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Based on the information provided by the petitioner the Department determined that her household's gross income is \$1,780 a month. Inasmuch as this amount is greater than the gross income maximum of \$1,654 for Food Stamps and the

"protected income level" of \$941 for Medicaid (after allowing a \$90 "employment expense deduction), the Department notified her that her family's benefits under both these programs would end on May 31, 2004.¹

3. The petitioner does not dispute the Department's calculations of her income. She disagrees with the provisions under Food Stamps establishing an initial gross income test. She also disagrees with the stringent income guidelines for Medicaid eligibility.

ORDER

The Department's decisions are affirmed.

REASONS

The Department's regulations, which are based on federal mandates, impose a gross income test of \$1,654 for a household of three persons to be eligible for Food Stamps. F.S.M. § 273.9(a). The Medicaid regulations allow only a standard \$90 per person "employment expense deduction" in determining whether a family meets the \$941 protected income level for initial eligibility for that program. W.A.M. § M350. As

¹ The petitioner and her husband were found eligible for medical coverage under the Department's VHAP program and given six-month "spenddowns" for Medicaid of \$1,318. Their child was found eligible for Dr. Dynasaur medical coverage.

noted above, the petitioner's household income is in excess of these limits.

Inasmuch as the Department's decisions are in accord with its regulations the Board is bound by law to affirm them. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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